



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: D. SHAH
R. ABOVITZ, et al.)
Serial No.: 09/978,599) Art Unit: 3737
Filed: October 16, 2001) Confirmation: 5128
For: **DIGITAL MINIMALLY
INVASIVE SURGERY
SYSTEM**)
Last Office Action Dated:)
December 4, 2002)
Attorney Docket No.:) Cleveland, OH 44114 IP 3700
ZKTZ 2 00014) February 13, 2004

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37 CFR 1.97(c)(1)
INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicants wish to bring the January 22, 2004 Search Report from the European Patent Office in connection with the corresponding PCT to the attention of the Examiner. Copies of the Search Report and the cited references are enclosed. The applicants also enclose a form PTO-1449 listing the cited references for the Examiner's convenience. An early indication that the cited references have been considered is requested.

It is noted that all but four of the initially presented claims are indicated as containing allowable subject matter. An early allowance of all claims in the US application is requested.

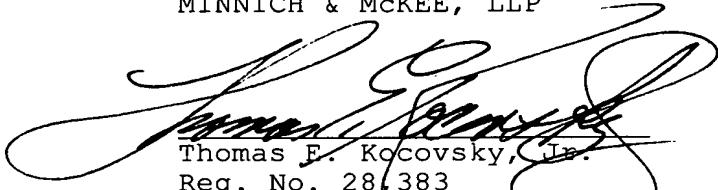
37 CFR 1.97(e)(1) Statement

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

An early allowance of all claims is requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT, FORM PTO-1449 AND REFERENCES** in connection with U.S. Patent Application Serial No. 09/978,599 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17th day of February, 2004.

By: Sherly McNulty